

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE: MAY 8, 2006**

**FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: Agenda Item #7:** Consideration of Request for Exemption for LAFCO SC#274 for Out-of-Agency Service Contract for Water Service by City of Rialto to APN 0269-171-41 Within the City of San Bernardino

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**RECOMMENDATION:**

Determine that LAFCO SC#274 is exempt from the provisions of Government Code Section 56133 as outlined in Government Code Section 56133 Subsection (e).

**BACKGROUND:**

In April 2006, the City of San Bernardino submitted a letter requesting that the Commission consider an exemption from the provisions of Government Code Section 56133 for Assessor Parcel Number 0269-171-41 to be served by the City of Rialto water facilities. The parcel being considered for water service by the City of Rialto is generally located at the north terminus of Lassen Avenue, north of Baseline, in the western portion of the City of San Bernardino. The request is to receive water service (domestic, irrigation and fire flow) from the City of Rialto as it currently serves other parcels along this portion of Lassen Avenue. A vicinity map and the City of San Bernardino's request letter are included as Attachments #1 and #2, respectively, to this report.

The property owners are currently processing a Tentative Parcel Map through the City of San Bernardino to divide the parcel into two separate parcels and the development of each as a lumber milling and storage facility. Copies of the application and information on the proposed development are included as Attachment #3 to this report.

The City has cited the relevant exemption language within Government Code Section 56133 (e) for its request. The section reads as follows:

*“This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.”*

In the present case, staff believes that the exemption outlined above applies to the provision of water service by the City of Rialto within the existing boundaries of the City of San Bernardino on the basis of the following facts:

1. The agreements are between the City of San Bernardino Municipal Water Department and the City of Rialto, both public agencies.
2. The public service to be provided is domestic, irrigation, and fire flow water service – services already being provided by an existing public provider within the area. The existing service provider within the area of Lassen Street is the City of Rialto.
3. The level of service to be provided through this contractual relationship is consistent with the level of service contemplated by the City of San Bernardino Municipal Water Department, the existing public service provider. This determination is made on the basis that the balance of the parcels within the City of San Bernardino along the east and west sides of Lassen Street are currently provided water service by the City of Rialto.

On the basis of the determinations outlined above, the staff is recommending that the Commission determine that pursuant to Government Code Section 56133 (e), the agreement between the City of Rialto/City of San Bernardino Municipal Water Department is not subject to the provisions within Government Code Section 56133 requiring review and approval by the Commission.

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Attachments:

- 1 -- Map of the Area to be Served
- 2 -- City of San Bernardino Municipal Water Department Letter Dated February 8, 2006 Relinquishing Service and July 29, 2005 Will-Serve Letter from the City of Rialto
- 3 -- Application for Extension of Service by Contract Signed by the City of Rialto